

Resolution No.: 17-622
Introduced: December 4, 2012
Adopted: December 4, 2012

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amend Resolution 17-344, Support for the Blue Plains Intermunicipal Agreement of 2012

Background

1. The first Blue Plains Intermunicipal Agreement (IMA) was executed on September 5, 1985 by the Mayor of the District of Columbia, the Fairfax County Chairman of the Board of Supervisors, the Montgomery County Executive and Council Chairman, the Prince Georges County Executive and Council Chairman, and the Washington Suburban Sanitary Commission Chairman and Vice Chairman.
2. The IMA of 1985 is an invaluable inter-jurisdictional agreement, among the parties utilizing the Blue Plains Advanced Wastewater Treatment Facility, that established shared principles for cooperation, rights and responsibilities of signatories, guaranteed sewage capacity allocations, defined financial commitments, planned for the future, supported water quality programs, and provided a framework for cooperation for over 26 years.
3. Many provisions in the IMA of 1985 are out of date because of changes over the past 26 years. The IMA of 1985 does not permit limited updates without adopting a formal amendment signed by all of the parties to the IMA. The IMA has never been amended during its 26 year history.
4. The new IMA of 2012 will: retain the Principles in the 1985 IMA, recognize the District of Columbia Water and Sewer Authority (DC Water) as a party, since it did not exist in 1985, eliminate outdated planning concepts, provide flexibility for updating through the use of derivative agreements, address technical complexities associated with the reality of the Chesapeake Bay Program, update principles of shared financial responsibilities to address increased technical knowledge, and incorporate a dispute resolution process.
5. The Council's Transportation, Infrastructure, Energy and Environment Committee discussed the IMA of 2012 on January 30, 2012 and supports its signing by the Council President.

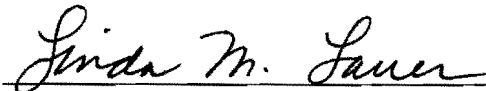
6. The Council approved Resolution 17-344 on February 14, 2012, which expressed Council approval of the IMA of 2012 and authorized the Council President to execute the agreement on the Council's behalf.
7. After the Council's approval of Resolution 17-344, staff from the jurisdictions involved in the negotiation of the IMA of 2012 agreed upon additional language in the IMA which was incorporated into the latest draft as of November 1, 2012. This language included specifying a termination date for IMA of June 30, 2111, and including anti-deficiency clauses for the District of Columbia, DC Water, Fairfax County, Montgomery County, and Prince George's County that clarify that the IMA cannot compel these entities to expend any amount under the IMA (or its derivative agreements) unless this amount has been appropriated by the respective governing or legislative bodies, including Congress in the case of the District of Columbia and DC Water.

Action

The County Council for Montgomery County, Maryland approves the following action:

The County Council approves the Blue Plains Intermunicipal Agreement of 2012 (as modified on November 1, 2012) and authorizes the Council President to execute the Agreement on the Council's behalf.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council